

convenience, be brought into Court, and lodged within reach of the regular auditor. *Clapham v. Thompson*, ante, 123; *Rutland v. Yates and Petty*, MS. 25th August, 1789. (c)

But the Chancellor has been authorized to appoint an auditor during his pleasure. 1785, ch. 72, s. 17. This auditor is the cal-

(c) *BIRCHFIELD v. VANDERHEYDEN*, 12th July, 1722.—After a commission to account, which had been issued to commissioners at a distance from the Court, had been returned without any thing having been done, the plaintiff moved “for another commission to some persons in Annapolis to audite the same accounts for his more easy laying the accounts of the deceased before them;” which was granted.—*Ch. Rec. Lib. P. L. fol. 891.*

*DORSEY v. DULANY*.—This bill was filed, 11th December, 1762, by the plaintiff against the administrator of his deceased partner, for an account, &c. The complainant and defendant, by their counsel, consented and prayed that a commission might issue to some persons to examine evidences and audite accounts in relation to the said case; whereupon commissioners were struck by the counsel of the parties in the usual manner, and a commission issued accordingly, directed to the several persons therein named and appointed, in the words following:

*Maryland, Sct.*—Frederick, absolutely Lord and Proprietary of the Province of Maryland, and Avalon, Lord Baron of Baltimore, &c.: To Dr. John Stevenson, Bryan Philpot of Baltimore County, Lancelot Jaques and George Clark of Ann Arundel County, gentlemen, greeting: Know ye, that we have nominated and appointed you, or any three or two of you to be our commissioners to examine evidence; as also to audit, state, settle and adjust all accounts in a certain cause depending in our High Court of Chancery, between Caleb Dorsey of Ann Arundel County, iron master, complainant, and Henrietta Maria Dulany, administrator *de bonis non* of Edward Dorsey, Esq'r of the same county, defendant: We therefore require you or any three or two of you, that at such time and place, as to you or any three or two of you shall seem convenient, you cause to come before you or any two of you all such evidences as shall be to you, or any three or two of you named or produced by either the complainant or defendant; any and also to state, audite, settle and adjust all accounts relating to the matter in dispute that shall be produced to you, or any three or two of you, by either of the parties, and that you examine them, and every of them, on their corporal oaths to be by you administered on the Holy Evangelists, in the presence of the said complainant and defendant, if they, having timely notice thereof, think fit to be present, touching their knowledge of any thing that may relate to the cause aforesaid; and that you reduce into writing such account as shall be stated and settled by you; and the same with the said depositions you send together with this our commission under your or any three or two of your hands and seals with all convenient speed to us in our High Court of Chancery. Witness ourself at the City of Annapolis, this 25th day of May, Anno Domini, 1763.

REVERDY GHISELIN, *Reg. Cur. Can.*

On the back of the foregoing commission was thus endorsed, to wit.—Baltimore County, October the 8d, 1763. Came the within named John Stevenson, Bryan Philpot, Lancelot Jacques, and Corbin Lee, before me the subscriber, one of his Lordship's Justices of the Peace for Baltimore County, and severally made oath on the Holy Evangels, that they would well and truly audit, and state all such accounts as should be by the within parties